

Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	1

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, delete lines 18 through 32, begin a new paragraph and
- 2 insert:
- 3 "SECTION 2. IC 35-44-3-9, AS AMENDED BY P.L.243-1999,
- 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JANUARY 1, 2001 (RETROACTIVE)]: Sec. 9. (a) As used in this
- 6 section, "juvenile facility" means the following:
- 7 (1) A secure facility (as defined in IC 31-9-2-114) in which a
- 8 child is detained under IC 31 or used for a child awaiting
- 9 adjudication or adjudicated under IC 31 as a child in need of
- 10 services or a delinquent child.
- 11 (2) A shelter care facility (as defined in IC 31-9-2-117) in which
- 12 a child is detained under IC 31 or used for a child awaiting
- 13 adjudication or adjudicated under IC 31 as a child in need of
- 14 services or a delinquent child.
- 15 (b) A person who, without the prior authorization of the person in
- 16 charge of a penal facility or juvenile facility knowingly or intentionally:

1 (1) delivers, or carries into the penal facility or juvenile facility
2 with intent to deliver, an article to an inmate or child of the
3 facility;

4 (2) carries, or receives with intent to carry out of the penal facility
5 or juvenile facility, an article from an inmate or child of the
6 facility; or

7 (3) delivers, or carries to a ~~work site~~ **worksite** with the intent to
8 deliver, alcoholic beverages to an inmate or child of a jail work
9 crew or community work crew;

10 commits trafficking with an inmate, a Class A misdemeanor. However,
11 the offense is a Class C felony if the article is a controlled substance or
12 a deadly weapon.

13 **(c) It is a defense to a charge under subsection (b)(1) that the**
14 **article delivered to an inmate or child is:**

15 **(1) not contraband or prohibited property (as defined in**
16 **IC 11-11-2-1);**

17 **(2) necessary for the health or safety of the inmate or child;**
18 **and**

19 **(3) delivered because the facility has not provided the inmate**
20 **or child with the article after the inmate, the child, or an**
21 **employee of the facility has requested the article.**

22 **SECTION 3. [EFFECTIVE JULY 1, 2003] An employee of a penal**
23 **facility who has been the subject of an adverse employment**
24 **decision based on a violation of IC 35-44-3-9(b)(1) involving the**
25 **delivery of an article that is not contraband or prohibited property**
26 **(as defined in IC 11-11-2-1) after January 1, 2002, and before July**
27 **1, 2003, is entitled to a redetermination of any employment action**
28 **taken in response to the violation, including but not limited to a**
29 **rehearing or reinstatement."**

- 1 Page 2, after line 35, begin a new paragraph and insert:
- 2 "SECTION 4. **An emergency is declared for this act.**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 115 as reprinted January 24, 2003.)

and when so amended that said bill do pass.

Representative Weinzapfel